



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr. M. James

**Respondent:** Optimum Skills Limited

**Heard at:** Newcastle

**On:** 16 March 2021

**Before:** (1) Employment Judge A.M.S. Green  
(2) Mr. R. Dobson  
(3) Mr. E. Euers

## **Representation**

Claimant: Mr. P. Kerfoot - Counsel

Respondent: Mr S Wyeth - Counsel

# JUDGMENT ON REMEDY

By consent, the respondent shall pay the claimant Sixteen Thousand Four Hundred and Forty-Nine Pounds and Fifty-Four Pence (£16,449.54) as compensation in respect of his claim for discrimination arising from his disability. No costs shall be due by or to either party.

# REASONS

1. A remedy hearing was listed for one day on 16 March 2021. At the beginning of the hearing Mr Wyeth informed the Tribunal that the parties had agreed the amount of compensation that the respondent would pay the claimant in respect of his claim for discrimination arising from disability pursuant to Equality Act 2010, section 15. This was quantified as per the claimant's updated schedule of loss, which was agreed. The Tribunal was asked to interpose its authority and to issue judgment by consent of the parties. The quantification of compensation is set out in the agreed updated schedule of loss which is appended to this judgment.
2. The parties agreed that there would be no costs applications and no costs would be due by or to them.

Employment Judge A.M.S. Green

Date 16 March 2021

## Appendix

## CLAIMANT'S UPDATED SCHEDULE OF LOSS

## 1. DETAILS

Net weekly basic pay:  
£368.77

Respondent's annual pension contributions/annual pension benefit (auto  
£13.27 per week per enrolment scheme - 3% of salary):

Date of termination of employment:  
24/07/2019

## 2. COMPENSATION

## 2.1 PECUNIARY LOSSES

## 2.1.1 LOSS TO DATE OF REMEDY HEARING

Loss of earnings from EDT to date of remedy hearing:  
86.43 £31,872.79 weeks X £368.77 (net weekly pay) per  
week

Loss of pension benefit from EDT to date  
alternative £73.91 employment obtained with greater  
pension benefits on 02/09/19:  
5.57 weeks x £13.27 per week

Losses to date of tribunal (past loss): **£31,946.70**

Less:

Sums obtained through mitigation to date of tribunal:

**£26,079.31**

(a) Net earnings received in alternative employment  
obtained on 02/09/19:

(i) 02/09/19 to 31/03/20 =

£9,493.26 (ii) 01/04/20 to

28/02/21 =£15,825.77

(iii) 01/03/21 to 16/03/21 – 2.29 weeks

x£332.00 (average net weekly pay)= £760.28

**Total past loss:**

**£5,867.39**

**2.1.2 FUTURE LOSS**

No future loss claimed £Nil

**Total future loss: £Nil**

**2.2 NON-PECUNIARY LOSSES**

**Injury to feelings £9,000**

An award at the upper end of the lower Vento band is applicable in this instance

**2.3 TOTAL BEFORE INTEREST**

**TOTAL BEFORE INTEREST £14,867.39**

**2.4 INTEREST**

8% of ITF award of £9,000 from EDT to date of remedy hearing (86.43 weeks) £1,191.87

8% of financial loss claimed of £5,867.39 from mid-point between EDT and date of hearing (43.22 weeks) £390.28

**TOTAL AWARD**

**£16,449.54**